S T A T E O F N E W Y O R K

6150

I N S E N A T E

January 6, 2012

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to residential rental buildings and submetering

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 53 of the public service law is renumbered section 54 and a new section 53 is added to read as follows:

S 53. RESIDENTIAL RENTAL BUILDING SUBMETERING. 1. (A) A MASTER-METERED RESIDENTIAL RENTAL BUILDING MAY BE CONVERTED TO BE SUBMETERED IF THE OWNER OF THE BUILDING FILES AN APPLICATION WITH THE COMMISSION, IN A FORM DEVELOPED BY THE COMMISSION, TO CONVERT SUCH BUILDING TO SUBMETERING AND THE COMMISSION APPROVED SUCH APPLICATION.

(B) SUCH APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO (I) INFORMATION DETAILING THE NEED FOR ADDITIONAL METER SERVICE, (II) A PROCEDURE FOR NOTIFYING, IN WRITING, WITHIN THIRTY DAYS OF FILING THE APPLICATION, ALL TENANTS OF RECORD OF THE PROPOSAL SUBMETER AND (III) ANY OTHER INFORMATION TO COMMISSION SHALL REQUIRE.

(C) UPON APPROVAL OF SUCH APPLICATION, THE COMMISSION SHALL: (I) NOTIFY, IN WRITING, THE APPLICANT OF SUCH DECISION AND (II) FILE THE APPROVED APPLICATION FORM WITH THE APPROPRIATE MUNICIPALITY. SUCH MUNICIPALITY SHALL RETAIN SUCH FORM PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

2. (A) ANY RESIDENTIAL RENTAL BUILDING CURRENTLY SUBMETERED SHALL, WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, FILE WITH THE COMMISSION AND THE APPROPRIATE MUNICIPALITY A FORM, DEVELOPED BY THE COMMISSION, DETAILING SUCH SUBMETERING. SUCH MUNICIPALITY SHALL RETAIN SUCH FORM PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

(B) SUCH FORM SHALL INCLUDE, BUT NOT BE LIMITED TO (I) HOW MANY METERS ARE OPERATING IN SUCH BUILDING, (II) THE REASON FOR SUCH SUBMETERING, (III) HOW LONG SUCH BUILDING HAS BEEN SUBMETERED, AND (IV) ANY OTHER INFORMATION THE COMMISSION SHALL REQUIRE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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3. THE COMMISSION SHALL DEVELOP A PROCEDURE FOR FILING THE SUBMETERING FORMS, AS SET FORTH IN SUBDIVISIONS ONE AND TWO OF THIS SECTION, WITH MUNICIPALITIES WHERE SUCH MUNICIPALITIES MAINTAIN A DATABASE READILY AVAILABLE TO INSPECTORS PERFORMING DUTIES PURSUANT TO SUBDIVISION FOUR OF THIS SECTION.

4. (A) FOR THE PURPOSE OF DETERMINING WHETHER A BUILDING IS SUPPLIED BY A MASTER-METER OR A SUBMETER, AN INSPECTOR AUTHORIZED BY A UTILITY OR MUNICIPALITY MAY ENTER THE COMMON AREA OF A RESIDENTIAL RENTAL BUILDING SUPPLIED WITH GAS OR ELECTRICITY BY SUCH UTILITY OR MUNICIPALITY DURING ANY NON-HOLIDAY WORK DAY BETWEEN EIGHT A.M. AND SIX P.M.

(B) SUCH INSPECTOR, UPON DISCOVERING A BUILDING IS SUBMETERED, SHALL CONSULT THE DATABASE ESTABLISHED PURSUANT TO SUBDIVISION THREE OF THIS SECTION TO DETERMINE WHETHER THE OWNER OF SUCH BUILDING IS IN COMPLIANCE WITH EITHER SUBDIVISION ONE OR TWO OF THIS SECTION.

5. IF AN INSPECTOR AUTHORIZED BY A UTILITY OR MUNICIPALITY DISCOVERS A SUBMETERED BUILDING NOT IN COMPLIANCE WITH THIS SECTION, THE OWNER OF SUCH BUILDING SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.